

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

NO. C95-123

In the matter of
Carol A. Martin, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Carol A. Martin, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Investigations were conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported its evaluations and recommendations to the Director of Health. The report was reviewed by the Director of Health who found that the Respondent's continuation in the practice of medicine constituted an immediate danger to the public. The Director of Health suspended summarily the Respondent's license to practice on May 18, 1995. An Administrative Hearing was begun on June 9, 1995 regarding the issue of whether the Respondent constituted an immediate danger to the public. Upon completion of that portion of the hearing on August 9 and 17, 1995, the Hearing Panel restored the Respondent's license to practice medicine with restrictions pending the outcome of the underlying charges which are the subject of an ongoing Administrative Hearing. In lieu of continuing the Administrative Hearing, the Respondent acknowledges the administrative and consensual terms of the order.

Finding of Facts

The Board of Medical Licensure and Discipline received an allegation that the Respondent committed unprofessional conduct by engaging in a sexual relationship with a patient during the existence of the doctor/patient relationship. It was alleged that during this relationship, numerous "boundary violations" occurred which ultimately lead to the breakdown of the therapeutic relationship.

Further, the Board alleges that the Respondent was impaired to the degree that she was unable to treat patients, including the complainant, with a reasonable degree of skill and safety. The Board alleges also that the Respondent remains impaired to the degree that she is currently unable to evaluate, diagnose and treat patients with a reasonable degree of skill and safety.

The Board alleges that the Respondent violated sections of the Uniform Controlled Substances Act by giving undated Schedule II prescriptions to certain patients.

The Board finds that such behavior constitutes "unprofessional conduct" in violation of Rhode Island General Laws 5-37-5.1. Specifically, subsections (7), (18), (19) and (26).

The parties agree as follows:

- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 6111.

understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for those specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence heard as of this date by the hearing panel, which evidence has not yet been fully subject to cross examination and defense, pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as

Respondent, the Investigating Committee will recommend to the Board that an Administrative Hearing be re-scheduled with respect to any and all acts of alleged unprofessional conduct. A Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) The Respondent disputes these allegations and the findings but for reasons of her own, accepts the Consent Order and Voluntarily Surrenders her license to practice medicine in the State of Rhode Island. The Respondent may apply for licensure only after successful completion of evaluation and treatment, if any, deemed necessary by professionals approved by the Board. The Respondent expressly agrees to waive, as to the Board, any rights of confidentiality pertaining to any diagnosis, treatment, evaluations, and reports relating to her. Following this evaluation and care, the Respondent must furnish the Board with reports that indicate an understanding of and willingness to adhere to the prescribed regimen of aftercare, if any.

The Respondent will be eligible to apply for licensure in the State of Rhode Island only when she is able to submit to the Board satisfactory evidence that she is able to practice medicine with a reasonable degree of skill and safety. Such evidence shall be in the form of written reports from evaluation and or treatment

the Rhode Island Medical Society's Physician Health Committee and must be monitored during a three (3) year probationary period beginning on the date of re-licensure.

(7) Failure to adhere to the terms of this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action which may include summary suspension of her license to practice medicine.

Signed this 6th day of December, 1995.

Carol A. Martin

Carol A. Martin, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 13 December 1995.

Patricia Nolan, MD, MPH
Patricia Nolan, MD, MPH
Director of Health
Chairperson
Board of Medical Licensure and
Discipline